

Panel Resolution 1999-02

Reconciliation of accounting for the City of Seattle: In-kind services credits, Source Control, Real Property, and cash payments for the period 1991-1997 as required by the Consent Decree.

Adopted: 28 January 1999
Consent Decree: ¶ 10 (b), planning and design support
¶ 12 expenditure tracking
¶ 13 in-kind services
¶ 34 source control
References: Attachment 1. 1998-05 In-kind services credit to the City of Seattle.
Attachment 2: City of Seattle Memorandum dated July 1, 1998
Requesting additional In-kind services credits per
Resolution 1995-21.
Attachment 3: Statement of Accounts, Registry of the Court.

The purpose of this Resolution is to approve all in-kind services credits for the period 1991 through 1997 based on the Panel's review and approval of the documentation provided by the City of Seattle, and to provide a full accounting of City of Seattle in-kind services credits, Source Control, Real Property, and cash payments as required by the Consent Decree.

This resolution supersedes Reconciliation Resolutions 1998-05 that granted in-kind services credits to the City of Seattle, as well as any other previously-adopted resolutions which may have granted in-kind services credits.

Supporting Documentation	Panel Function	Planning and Design	Implementation	Source Control	Real Property	Cash Payments
Attachment 1: Resolution 1998-05	0	136,664.17	0	87,071.55	0	0
Attachment 2: July 1, 1998 memo	0	0	0	3,170.96	0	0
Attachment 3: Statement of Accounts	0	0	0	0	0	8,363,335.83
Total	0	136,664.17	0	90,242.51	0	8,363,335.83

Total In-kind services (Habitat Development and Sediment Remediation) = \$136,664.17

Panel Resolution 1999-03

Adopted: 28 January 1999

In order to determine the final cash payments required of King County and the City of Seattle under the sediment remediation and habitat development categories established by the Consent Decree, the Elliott Bay/Duwamish Restoration Program Panel reviewed all cost documentation and in-kind service credits for the period 1992-1997. In conjunction with that review, a management plan and project-specific scopes, schedules, and budgets were developed by the Panel and its Technical Working Groups. Resolutions 1999-01 and 1999-02 provide the final reconciliation amounts approved by the Panel. Through these reviews, the Panel has determined that:

KING COUNTY and CITY OF SEATTLE OBLIGATIONS UNDER CONSENT DECREE

Habitat Development and Sediment Remediation Categories

1. King County and the City of Seattle have each made cash payments under the Consent Decree as follows:
King County: \$ 6,717,082.00 City of Seattle: \$ 8,363,335.83
2. The Panel has approved certain in-kind services credits to King County and the City of Seattle as follows:
King County: \$ 1,782,918.00 City of Seattle: \$ 136,664.17

Total In-kind services credits and cash payments:

King County: \$ 8,500,000.00 City of Seattle: \$ 8,500,000.00

Source Control Category

The Panel has approved the following Source Control obligations (1992-1997):

King County: \$ 12,994.00 City of Seattle: \$ 90,242.51

Real Property Category

The Panel has approved the following Real Property obligations (1992-1997):

King County: \$ 0 City of Seattle: \$ 0

REQUEST FOR CONSENT DECREE AMENDMENT

Based on an evaluation of the project-specific budgets for the proposed sediment remediation and habitat development projects, the Panel has determined that the limitations placed on the Planning and Design (\$3 million limitation) and the Panel Function Support (\$2 million

limitation) categories in the Consent Decree will not enable the Panel to discharge its responsibilities unless the categories are combined into a single fund category (\$5 million).

Counsel for the parties have concurred previously in two additional changes:

- (1) Substituting "Municipality of Metropolitan Seattle" with "King County Department of Natural Resources" to reflect METRO's consolidation into King County; and
- (2) In paragraph 4(c), substituting the word "activities" with the word "implementation."

NOW, THEREFORE, the Panel herein requests that counsel to the parties to the Consent Decree formally request that the U.S. Department of Justice proceed with an Amendment to the Consent Decree in the particulars noted above. The Administrative Director is directed to forward copies of the signed resolution as adopted to each of the trustee representatives to the Panel for transmission to their attorneys.

Panel Resolution 1999-04

Adopted: 01 April 1999
Consent Decree: ¶ 10(a) Trustee Reimbursements
Resolution: 1996-23

In accordance with Consent Decree paragraph 10(a) and Panel Resolution 1996-23, the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payees specified below for the purpose of reimbursement for calendar year 1998 Trustee costs. Supporting invoices and memoranda are attached.

<u>Payees</u>	<u>Amount of disbursement</u>
Washington State Department of Ecology Post Office Box 5128 Lacey, Washington 98509-5128 Attention: Cashiering Section Account Number: 001T000019-AA	\$ 4,541.64
Muckleshoot Indian Tribe 39015 172 Avenue S.E. Auburn, Washington 98092 Attention: Gerald Hecke, Comptroller	\$ 1,878.73
The Suquamish Tribe P.O. Box 498 Suquamish, Washington 98392 Attention: Randy Hatch	\$11,200.90

National Oceanic and Atmospheric Admin. \$16,107.94
NOAA Financial Services Division
SSMC4, Room 9331
1305 East-West Highway.
Silver Spring, MD 20910-3281
Attention: Kathy Salter, DARRF Manager

U.S. Department of the Interior \$ 7,006.00
NBC/Division of Financial Management Services
Branch of Accounting Operations
Mail Stop 1313
Washington, D.C. 20240

Panel Resolution 1999-05

Adopted: 01 April, 1999
Consent Decree: ¶ 10(a) Trustee Reimbursements
Resolution: 1996-23

In accordance with Consent Decree paragraph 10(a) and Panel Resolution 1996-23, the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payee specified below for the purpose of reimbursement for calendar year 1998 Administrative Director costs. Supporting invoices and memoranda are attached.

<u>Payee</u>	<u>Amount of disbursement</u>
National Oceanic and Atmospheric Administration NOAA Financial Services Division SSMC4, Room 9331 1305 East-West Highway Silver Spring, MD 20910-3281 Attention: Kathy Salter, DARRF Manager	\$16,574.69

Panel Resolution 1999-06

Authorizes additional real estate acquisition credit (up to \$20,000) to King County for costs associated with the acquisition of a conservation easement for the Hamm Creek (City Light North) habitat development project.

Adopted: 15 July 1999
 Consent Decree: ¶ 27 Habitat Development and Real Estate Acquisition
 References: 1994-13 First Appraisal
 1995-18 Scope of Work and Acquisition Planning
 1995-27 Acquisition
 1996-02 Seattle City Light discussions
 1996-29 Property Negotiations
 1997-14 Transition Management Plan:
 Scope, schedule and budget
 1998-01 Property Acquisition Credit
 1998-09 Additional Property Acquisition Credit
 Attached King County Supporting Documentation

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County Department of Natural Resources additional real estate acquisition credit up to \$20,000.00 for construction items required by Seattle City Light for the negotiated acquisition of a conservation easement for the Duwamish/Hamm Creek Habitat Restoration Project.

Item: Storm Drainage	\$20,000.00
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Additional funds are necessary to supply materials to construct culvert crossings required for access to the Seattle City Light parcel. The installation of culvert crossings was a mandatory acquisition condition of the conservation easement.

Credit will be granted upon the approval of submitted cost documentation. The estimated acquisition credit for the Hamm Creek site is now at approximately \$770,000.00. This credit is in partial fulfillment of King County's Consent Decree obligation of up to \$2,500,000 in "permanently available real property... for any habitat development project under this Decree" (¶30).

Panel Resolution 1999-07

Authorizes funding (up to \$75,200) to King County for project management of the Hamm Creek (City Light North) habitat development project.

Adopted: 15 July 1999
 Consent Decree: ¶ 27 Habitat Development and Real Estate Acquisition
 References: 1997-14 Transition Management Plan:
 Scope, schedule and budget
 1998-01 Property Acquisition Credit
 Attached King County Supporting Documentation

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County Department of Natural Resources up to \$75,200.00 for construction supervision and technical support for the construction of the Duwamish/Hamm Creek Habitat Restoration project:

Item: Construction Supervision (Technical Support)	\$ 75,200.00
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The purpose of this resolution is to provide funding for King County biologist, engineers, landscape architect, and other technical staff to support the construction of the project.

Panel Resolution 1999-08

Authorizes funding (up to \$50,000) to King County for construction contingencies necessary to construct the Hamm Creek estuary project.

Adopted: 26 August 1999
 Consent Decree: ¶ 27 Habitat Development and Real Estate Acquisition
 References: 1997-14 Transition Management Plan:
 Scope, schedule and budget
 1999-07 Project Management
 Attached King County Supporting Documentation

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County, Department of Natural Resources up to \$50,000.00 for construction contingencies necessary for the construction of the estuary portion of the Duwamish/Hamm Creek Habitat Restoration Project:

Item: Construction Contingency	\$ 50,000.00
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The purpose of this resolution is to provide funds to the Project Manager for construction contingencies, such as emergency erosion control, not covered under the US Army Corps of Engineers, Section 1135 Ecosystem Restoration (Construction Contract). Whenever possible, the Project Manager will coordinate with the Project Coordinator when utilizing construction contingency funds. Construction contingency funds are not intended for activities which are normally scheduled or provided by the Construction Contract.

Panel Resolution 1999-09

Authorizes expenditure of up to \$15,000 under Source Control in-kind services to King County for additional contractor and project management support to complete the Duwamish/Diagonal Site Assessment Report by incorporating the recontamination potential modeling results.

Adopted: 21 October 1999

Consent Decree: ¶ 33 Source Control

References: 1998-15 Contractor Evaluation of Potential Recontamination
1997-14 Transition Management Plan:
Scope, schedule and budget
1995-20 EcoChem Scope of Work Accepted

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County, Department of Natural Resources, up to \$15,000.00 of Source Control in-kind service credits for additional contractor and project management support to complete the Duwamish/Diagonal (D/D) Site Assessment (SA) Report by incorporating the results of recontamination potential modeling.

Resolution 1998-15 included the subtask of incorporating the modeling results into the SA Report. However, on June 17, 1998 the Sediment Remediation Technical Working Group recommended the Panel defer that subtask until after the modeling was completed and the data reviewed by the Panel to better determine the level of effort required to complete the SA report.

1999 Cash Disbursements from the Court Registry Account

Resolution	Recipient	Amount \$	Reason
1999-04	Ecology	4,541.64	TE: CY98
1999-04	Muckleshoot	1,878.73	TE:CY98
1999-04	Suquamish	11,200.90	TE:CY98
1999-04	NOAA	16,107.94	TE:CY98
1999-04	USFWS	7,006.00	TE:CY98
1999-05	NOAA	16,574.69	AD:CY98
Total		\$57,309.90	

AD: Administrative Director

TE: Trustee Expense reimbursement

**Elliott Bay/Duwamish Restoration Program
1999 Annual Report**

**Appendix A
Panel Organization Plan**

Panel Organization Plan

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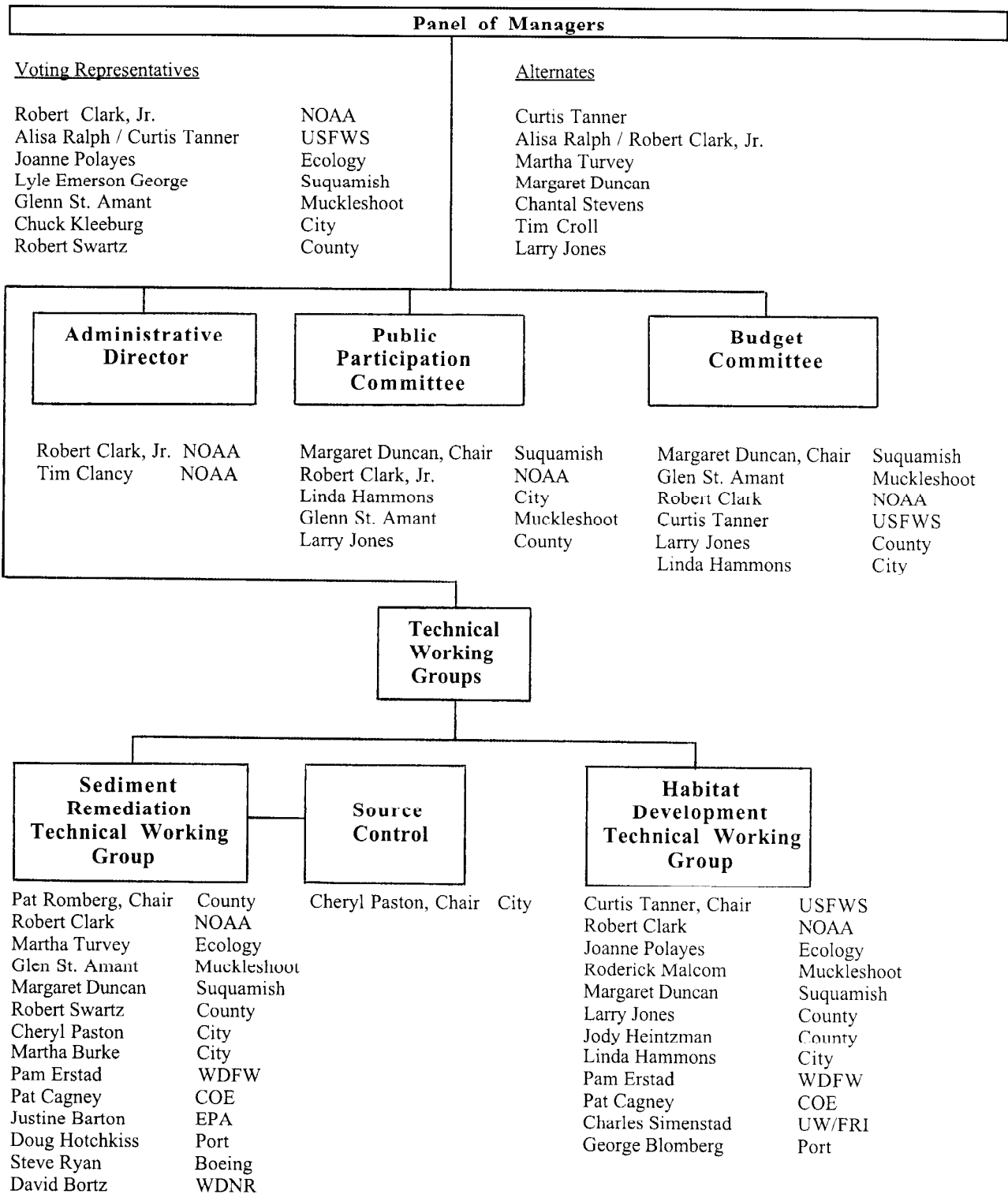
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A. Acronyms and Abbreviations

Boeing	The Boeing Company
City	The City of Seattle
COE	U.S. Army Corps of Engineers
DOI	U.S. Department of the Interior
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
King County	King County Department of Natural Resources (formerly METRO)
Muckleshoot	Muckleshoot Indian Tribe
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
Port	Port of Seattle
Suquamish	Suquamish Tribe
USFWS	U.S. Fish and Wildlife Service
UW/FRI	University of Washington/Fisheries Research Institute
WDNR	Washington State Department of Natural Resources
WDFW	Washington State Department of Fish and Wildlife

B. Organization Chart

Organization Structure



C. Panel Participants

P = Panel of Managers Representatives

S = Sediment Remediation Technical Working Group

H = Habitat Development Technical Working Group

National Oceanic and Atmospheric Administration

Dr. Robert C. Clark, Jr. (P,S,H)

Phone: (206) 526-4338

Cdr. Tim Clancy, NOAA

Phone: (206) 526-4348

National Marine Fisheries Service

Fax: (206) 526-4321

Damage Assessment and Restoration Center Northwest

7600 Sand Point Way N.E.

Seattle, WA 98115-0070

Involvement: Restoration Planning

Robert Taylor

Phone: (206) 526-6604

Gail Siani

Fax : (206) 526-4566

NOAA General Counsel Natural Resources

Fax: (206) 526-1547

Damage Assessment and Restoration Center Northwest

7600 Sand Point Way N.E.

Seattle, WA 98115-0070

Involvement: Legal

U.S. Department of the Interior

Alisa Ralph (P,H)

Phone: (360) 753-9440

Curtis Tanner (P,H)

Phone: (360) 753-4326

U.S. Fish and Wildlife Service

Fax: (360) 753-9008

Western Washington Office

510 Desmond Drive S.W., Suite 102

Lacey, WA 98503-1273

Involvement: Damage assessment, restoration planning

Barry Stein

U.S. Department of the Interior

Phone: (503) 231-2173

Office of the Solicitor, Pacific Northwest Region

Fax: (503) 231-2166

500 N.E. Multnomah, Suite 607

Portland, OR 97232-2036

Involvement: Legal

U.S. Department of Justice

James L. Nicoll, Jr.

Phone: (206) 526-6616

NOAA/DOJ Damage Assessment

Fax: (206) 526-6665

7600 Sand Point Way N.E.

Seattle, WA 98115-0070

Involvement: Legal

State of Washington

Joanne Polayes (P,H)
Martha Turvey (S)
Department of Ecology
3190 160th Ave S.E.
Bellevue, WA 98008-5452

Phone: (425) 649-7269
Phone: (425) 649-7208
Fax: (425) 649-7098

Tanya Barnett
Washington Attorney General's Office
Ecology Division
P.O. Box 40117
Olympia, WA 98504-0117
Involvement: Legal

Phone: (360) 459-6155
Fax: (360) 438-7743

The Suquamish Tribe

Bennie J. Armstrong (P)
Phyllis Meyers
Margaret Duncan (P,S,H)
Suquamish Tribe
P.O. Box 498
Suquamish, WA 98392

Phone: (360) 598-3311
Fax: (360) 598-4666
Phone: (360) 394-5254

Involvement: Damage assessment, restoration planning

Scott Wheat
Suquamish Tribe
P.O. Box 498
Suquamish, WA 98392
Involvement: Legal

Phone: (360) 598-3311
Fax: (360) 598-4666

Muckleshoot Indian Tribe

Glen St. Amant (P,S)
Chantal Stevens (P)
Roderick Malcom (H)
Muckleshoot Indian Tribe
Fisheries Department
39015 172nd Ave. S.E.
Auburn, WA 98092

Phone: (253) 939-3311
Fax: (253) 931-0752

Involvement: Damage assessment, restoration planning

Muckleshoot Indian Tribe - continued

Robert L. Otsea
Tribal Attorney
Muckleshoot Indian Tribe
39015 172nd Ave. S.E.
Auburn, WA 98092
Involvement: Legal

Phone: (253) 939-3311
Fax: (253) 931-5311

City of Seattle

Tim Croll (P,H,S)
Cheryl Paston (P,S)
Martha Burke (S)
Linda Hammons (H)
City of Seattle
Dexter Horton Building
710 Second Ave.
Seattle, WA 98104-1709

Phone: (206) 684-7934
Phone: (206) 684-4609
Phone: (206) 684-7686
Phone: (206) 684-7845
Fax: (206) 684-0963

Involvement: Damage assessment, restoration planning

Sharon Metcalf
Seattle City Attorney's Office
Environment Protection Section
10th Floor Municipal Building
600 4th Avenue
Seattle, WA 98104-1877
Involvement: Legal

Phone: (206) 233-2161
Fax: (206) 684-8284

King County Department of Natural Resources (formerly METRO)

Robert Swartz (P)
Pat Romberg (S)
Larry Jones (H)
Jody Heintzman (H)
King County Department of Natural Resources
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855

Phone: (206) 296-8246
Phone: (206) 296-8251
Phone: (206) 296-8250
Phone: (206) 296-8248
Fax: (206) 296-0192

Involvement: Damage assessment, restoration planning

William E. Blakney
King County Prosecuting Attorney
King County Courthouse
516 Third Avenue, Suite E550
Seattle, WA 98104-2312
Involvement: Legal

Phone: (206) 296-9015
Fax: (206) 296-0191

D. Additional Technical Working Group Members

The Boeing Company

Steve Ryan (S)
The Boeing Company
Corporate Safety, Health and Environmental Affairs
P.O. Box 3707, Mail Stop 7E-EJ
Seattle, WA 98124-2207

Phone: (206) 447-2186
Fax: (206) 393-4718

U.S. Environmental Protection Agency

Justine Barton (S)
Environmental Protection Agency
Sediment Management Unit
Aquatic Resources, Wetlands, and Sediments
1200 Sixth Ave.
Seattle, WA 98101

Phone: (206) 553-4974
Fax: (206) 553-1775

Port of Seattle

George Blomberg (H)
Doug Hotchkiss (S)
Port of Seattle
Pier 66
Seattle, WA 98111

Phone: (206) 728-3194
Phone: (206) 728-3192
Fax: (206) 728-3188

University of Washington

Charles Simenstad (H)
Fisheries Research Institute
University of Washington, WH-10
Seattle, WA 98195

Phone: (206) 543-7185
Fax: (206) 685-7471

U.S. Army Corps of Engineers

Pat Cagney (S,H)
U.S. Army Corps of Engineers
Environmental Resources Section
4735 E. Marginal Way S.
Seattle, WA 98124-2255

Phone: (206) 764-3624
Fax: (206) 764-4470

Washington State Department of Fish and Wildlife

Pam Erstad (H)
Regional Office
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296

Phone: (425) 379-2306
Fax: (425) 379-2323

Washington State Department of Natural Resources

John Boettner (H)

Aquatic Resources Division

1111 Washington St. S.E.

P.O. Box 47000

Olympia, WA 98504-7000

Phone: (360) 902-1033

Fax: (360) 902-1786

David Bortz (S)

South Puget Sound Region

950 Farman St. N.

P.O. Box 68

Enumclaw, WA 98022-0068

Phone: (206) 298-4594

Fax: (206) 298-4597

**Elliott Bay/Duwamish Restoration Program
1999 Annual Report**

**Appendix B
Panel Publications**

Panel Publications

1. *Draft Public Participation Plan*, February 1992.
2. *Summary of Stakeholder Interviews*, December 1992.
3. *Draft Concept Document* , August 1993.
4. *1992 Annual Report*, May 1993.
5. *1993 Annual Report*, April 1994.
6. *Public Participation Plan*, June 1994.
7. *Final Concept Document*, June 1994.
8. *1994 Annual Report*, June 1995.
9. *Waterfront Recontamination Study - Volume I*, July 1995.
10. *Waterfront Recontamination Study - Volume II*, August 1995.
11. *Pier 53/55 Sediment Cap Monitoring Report*, January 1996.
12. *1995 Annual Report*, June 1996.
13. *Norfolk CSO Sediment Cleanup Study*, July 1996.
14. *Concept Document Addendum No. 1*, November 1996.
15. *1996 Annual Report*, June 1997.
16. *Concept Document Addendum No. 2*, December 1997.
17. *Pier 53/55 Sediment Cap Monitoring Report*, December 1997.
18. *1997 Annual Report*, May 1998.
19. *Construction of Oyster Shell Habitat Plots in Elliott Bay:
Evaluation of Crab Settlement and Habitat Utilization*
(Dinnel Marine Research), November 1998.
20. *1998 Annual Report*, May 1999.
21. *Norfolk CSO Sediment Remediation Project Closure Report*, August 1999.
22. *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program:
April 1999 Monitoring Report*, August 1999.
23. *Intertidal Habitat Projects Monitoring Program, Elliott Bay/Duwamish Restoration
Program*, November 1999.
24. *1999 Annual Report*, April 2000.